

REMARKS/ARGUMENTS

Claims 1-45 are pending. Claims 1-22, 34, and 38-45 have been amended. Support for amended claims can be found in the specification. No new matter has been added.

35 U.S.C. § 112

Claims 26, 30, 33, 36, and 37 were rejected under 35 U.S.C. § 112, first paragraph. Examiner states the "term converting the platform independent code using an operating [system] abstraction interface" is not described in the specification. (Office Action: p.2). Applicants respectfully disagree with Examiner's assertion. The specification reads "[t]he operating system layer includes an operating system and an operating system abstraction layer, wherein the operating system abstraction layer is configured to interface between platform independent code and platform dependent code used by the operating system." (Specification: para. [0019]). Moreover, element 14 of Fig. 1 illustrates an operating system (OS) abstraction layer (Input/Output). Therefore, the claimed interface is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In addition, "[t]here is a strong presumption that an adequate written description of the claimed invention is present when the application is filed." (*In re Wertheim*, 541 F.2d 257, 263 (CCPA 1976); MPEP 2163(I)(A)) "Consequently, rejection of an original claim for lack of written description should be rare." (MPEP 2163(II)(A)). Applicants respectfully request reconsideration and withdrawal of this rejection.

35 U.S.C. § 103(a)

Claims 1-6, 10-13, 23, 24, 26-28, 30-40, and 42-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 6,269,409 to Solomon ("Solomon") in view of U.S. patent 6,480,891 to Chernyak et al. ("Chernyak") and further in view of U.S. patent 6,580,916 Weisshaar et al. ("Weisshaar"). Applicants respectfully submit that Weisshaar is not prior art, and request withdrawal of this rejection. The present application claims the benefit of U.S. provisional application 60/225,569 filed 08/14/2000, while Weisshaar was subsequently

filed on 09/15/2000. Accordingly, Examiner has not met the burden of factually supporting any *prima facie* conclusion of obviousness with respect to at least claims 1-6, 10-13, 23, 24, 26-28, 30-40, and 42-45.

In addition, the cited references do not discuss or suggest each and every feature of the present invention as claimed by claim 1. For example, claim 1 recites, in part, "... the operating system abstraction layer is configured to interface between platform independent code and first platform dependent code used by the first operating system;" Nowhere does Solomon discuss or suggest this combination of features. Examiner analogizes Solomon's software abstraction layer 320 to Applicants' operating system abstraction layer. However, Solomon's software abstraction layer 320 is configured to interface between Windows NT operating system 314 and Unix operating system 306. (Solomon: col. 3, ll. 44-65). Applicants respectfully submit that Unix operating system 306 is not platform independent code as claimed. In fact, Unix operating system 306 is actually a platform, and code for Unix operating system 306 cannot simply be run on different platforms. Therefore, at least for the reasons discussed above, claim 1 should be allowed. Claims 2-5, which depend from claim 1, should be allowed for a similar rationale as discussed for claim 1, as well as the additional limitations they recite.

Furthermore, the cited references do not discuss or suggest each and every feature of the present invention as claimed by claim 6. For example, claim 6 recites, in part, "... the client software program is configured to receive the simplified content from the client support server for processing the simplified content." Examiner incorrectly relies on Chernyak to show or suggest these features as claimed. In particular, Examiner states "... the client software program is configured to receive the simplified content from the client support server for processing the simplified content([sic] col 5, ln 12-20/ col 7, ln 21-30)." However, the passages cited by Examiner merely discuss uploading seldom used code portions 64, such as conversion code 64, to an ATM embedded system 66. This is very clear from Fig. 6 of Chernyak. Once conversion code 64 is uploaded, ATM embedded system 66 can execute it. But, nowhere does Chernyak discuss or suggest execution of conversion code by management device and software server 60 to provide simplified content to ATM embedded system 66. Chernyak's ATM embedded system 66 clearly performs the processing, while the embedded device as claimed

relies on the client support server to do so. At least for the reasons discussed above, claim 6 should be allowed. Claims 7-13, which depend from claim 6, should be allowed for a similar rationale as discussed for claim 6, as well as the additional limitations they recite.

The above arguments discussed for claims 1 or 6 can also be applied to independent claims 14, 23, 27, 36, 38, 43, and 44. Therefore, claims 14, 23, 27, 38, 43, and 44 should be allowed for at least these reasons. Claims 15-18, 24-26, 28-30, 39-41, and 45, which depend from claims 14, 23, 27, 36, 38, or 44, should be allowed for at least a similar rationale, as well as the additional limitations they recite.

In addition, with respect to claim 31, the cited references fail to discuss or suggest the claimed features. Claim 31 recites, in part, "... (b) communicating a conversion request to the package repository for package data needed to run the software package on the embedded device; (c) transferring the package data from the package repository to the client; and (d) transferring the software package from the content server to the client." Nowhere do the cited references discuss or suggest (i) transferring package data needed to run the software package (for example, missing dependency packages) from the package repository to the client and (ii) transferring the software package from the content server to the client, in the manner claimed. In Chernyak, requested code portion 30 is simply uploaded to ATM device 22 from software server 24 in response to a code request. (Chernyak: col. 5, ll. 11-16; Fig. 2). For at least this reason, claim 31 should be allowed, as well as dependent claims 32 and 33. Claim 34 should also be allowed for at least a similar rationale as discussed above for claim 31.

The cited references do not discuss or suggest each and every feature of claim 37. For example, claim 37 recites, in part, "... converting the platform independent code using an operating system abstraction interface," Examiner analogizes platform independent code to Unix operating system 306. Applicants respectfully submit that Unix operating system 306 is not platform independent code as claimed. Accordingly, claim 37 should be allowed for at least this reason.

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PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Tyrome Y. Brown
Reg. No. 46,580

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
TYB:tyb
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